



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 8674-02
15 November 2002

G [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear Gunnery S [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 November 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 27 September 2002, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. They did not find that the contested fitness report violated the prohibition against damning with "faint praise," nor did they find it included any unacceptable comments "identifying minor limitations, shortcomings, occasional lapses or weakness." In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1610
MMER/PERB
SEP 27 2002

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF
GUNNERY SERGEANT [REDACTED] USMC

Ref: (a) GySgt. [REDACTED] Form 149 of 20 Jun 02
(b) MCO P1610.7E w/Ch 1-2

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 25 September 2002 to consider Gunnery Sergeant [REDACTED] petition contained in reference (a). Removal of the fitness report for the period 000901 to 010131 (CH) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends the report is substantively inaccurate and "clearly adverse." As such, he believes he should have been given the opportunity to review the report, sign Item J2, and append a statement of rebuttal. In addition, the petitioner points out that he was never provided a copy of the report as required by paragraph 4013.3 of reference (b). To support his appeal, the petitioner furnishes a statement from the Reporting Senior of record [REDACTED].

3. In its proceedings, the PERB concluded that the report is both administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. At the outset, the Board emphasizes that there is absolutely nothing derogatory or adverse in the report. It is, in all respects, an evaluation of satisfactory performance and dedication to mission accomplishment. That the petitioner's expertise was best utilized in the maintenance detachment, vice operations, does not reflect unfavorably. Instead, it appears to have been a move of necessity due to the high tempo of operations associated with a Marine Expeditionary Unit work-up cycle.

b. The Board acknowledged [REDACTED] statement indicating the petitioner was not given a copy of the completed

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fitness report. The reason for failing to do so was legitimately explained and in no way invalidates the substance of the evaluation. In this regard, the Board discerns neither an error nor an injustice.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report should remain a part of Gunnery Sergeant [REDACTED] official military record.

5. The case is forwarded for final action.

[REDACTED]
[REDACTED]
Chairperson, Performance
Evaluation Review Board
Personnel Management Division
Manpower and Reserve Affairs
Department
By direction of the Commandant
of the Marine Corps